

Panaji, 19th November, 1992 (Kartika 28, 1914)

SERIES I No. 34

OFFICIAL GAZETTE



GOVERNMENT OF GOA

GOVERNMENT OF GOA

Education Department

Notification

8-6-85-EDN (Part file)

Whereas the Executive Board in the capacity of General Council of Goa Konkani Akademi in its meeting held on 12th March, 1988, have resolved and requested the Government to amend the provisions of the Constitution of Goa Konkani Akademi (hereinafter called the said Constitution), so as to remove certain inconsistencies contained therein.

Now, therefore, in pursuance of the request made by the Executive Board in the capacity of General Council of the Goa Konkani Akademi and in pursuance of clause 19 of the said Constitution, the Government of Goa hereby amend the said Constitution as per the request of the Executive Board in the capacity of General Council as under:—

In the said Constitution,— (1) in the second recital, for the word “territory”, the word “State” shall be substituted;

(2) in the third recital, for the words “the Union Territory” the word “Goa” shall be substituted;

(3) in Article 3, for the words “of the Union Territory of Goa, Daman and Diu”, the words “State of Goa” shall be substituted;

(4) for article 4, the following article shall be substituted, namely—

“4. Aims, objects and activities.— a) The Akademi aims at bringing about speedy development of the Konkani Language, Literature and Culture and also at promoting cultural unity of this State through the Konkani Language and Literature.

b) The Akademi for the attainment of the above aims and objects, shall perform the following functions:

i) to initiate, assist or undertake implementation of projects or schemes of research in the field of Konkani Language, Literature and Culture;

ii) to initiate, assist or undertake publication in Konkani Language, the results of such research;

iii) to initiate, assist or undertake publication in Konkani Language of original and erudite

papers, monographs, books, journal, as also of any other works in any other branch of knowledge;

iv) to initiate, assist or undertake schemes of preparation and publication in Konkani Language of reference literature, such as bibliographies, encyclopaedies, dictionaries;

v) to initiate, assist or undertake preparation and publication of translation in Konkani Language of classical or any other literary work of outstanding nature from various Indian and foreign languages;

vi) to initiate, assist or undertake schemes for editing, translating and publishing in Konkani Language relevant source material, which will have direct or indirect bearing on the history and culture of Goa;

vii) to initiate, assist or undertake schemes for the preparation and publication of socio-political, cultural and literary history of Goa;

viii) to find out and examine new avenues for carrying out research in any field of knowledge with a view to promoting the development of Konkani Language and Literature;

ix) to provide financial assistance to writers and scholars for publication of their works in/ or about Konkani Language;

x) to provide financial assistance to literary and cultural Institutions for their activities in the field of Konkani Language, Literature and Culture;

xi) to initiate, assist or organise seminars, conferences, symposia or exhibitions for the encouragement of Konkani Language, Literature and Culture;

xii) to provide books or magazines in Konkani Language to the Libraries and Public Reading Rooms;

xiii) to give awards for excellence in studies and research in different branches of Konkani Language Literature and Culture;

xiv) to offer fellowships and scholarships to deserving scholars and students in the field of Konkani Language, Literature and Culture;

xv) to encourage the use of Konkani Language in all walks of life in the State of Goa;

xvi) to promote the teaching and study of Konkani Language, Literature and Culture in the State of Goa;

xvii) to develop linguistic, literary and cultural Exchange programmes with the Institutions in other parts of the country, having similar aims, objects and activities;

xviii) to keep the Government of Goa informed, from time to time of the achievements of the Akademi and the activities undertaken by it or any other Institution or individuals aided by the Akademi;

xix) to assist and advise the Government of Goa in formulating its policies in the matter of the development of the Konkani Language, Literature and Culture and in assisting it in their implementation;

xx) to collect funds by way of donations and to receive grants, bequest to purchase land, to own properties of all kinds and to maintain, sell, mortgage or otherwise dispose of the same in furtherance of its objectives;

xxi) to maintain a fund to which shall be credited;

a) all money received from the State or Central Government; and

b) all money received in any manner from any other sources;

xxii) to do all such acts, deeds and things, whether incidental to the powers aforesaid or not, as may be required in order to further the objectives of the Akademi."

(5) for article 6, the following article shall be substituted, namely—

"6. President:— (i) The President of the Akademi shall be nominated by the Government.

(ii) The President shall have the powers to take decisions on behalf of the General Council or the Executive Board when circumstances so warrant, subject to ratification thereof by the concerned authority at its next meeting.

(iii) President may at his discretion invite Director of Central Institute of All India Languages or his representative or any individual to attend the meeting of General Council, Executive Board or any Committee. But such an invitee will have no right to vote.

(iv) The President shall be entitled to such honorarium as may be prescribed by rules, from time to time."

(6) for article 7, the following article shall be substituted, namely—

"7. Vice-President.—(i) The Vice-President shall be elected by the General Council from amongst its members and shall hold office for three years.

(ii) The Vice-President shall, in the absence of the President for whatsoever reasons, perform and exercise all the functions and powers of the President.

(iii) The Vice-President shall be entitled to such honorarium as may be prescribed by rules, from time to time

(7) for article 8, the following article shall be substituted, namely:—

"8. Secretary.— (i) The Secretary shall be the principal Executive Officer of the Akademi and shall be appointed by the Government on deputation.

(ii) The Secretary shall be the Ex-Officio Secretary of General Council, Executive Board and of all other Committees which may be set up by the General Council or by the Executive Board but shall not be a member of those authorities.

(iii) It shall be the duty of the Secretary:

a) to be the custodian of the records and such other properties of the Akademi as the Executive Board shall commit to his charge;

(b) to conduct the office correspondence on behalf of the authorities of the Akademi;

(c) to issue all notices convening the meeting of the authorities of the Akademi and of all the Committees appointed by those authorities;

(d) to keep the minutes of all the meetings of the authorities of the Akademi and of all the Committees appointed by any of those authorities;

(e) to maintain the accounts on behalf of the Akademi under the supervision of the Executive Board;

(f) to maintain the accounts on behalf of the Akademi; and

(g) to exercise all such other powers as are delegated to him by the Executive Board, from time to time."

(8) for article 9, the following article shall be substituted, namely:—

"9. Authorities of the Akademi.— The following shall be the authorities of the Akademi:—

(a) General Council,

(b) Executive Board

(c) Finance Committee

(d) any other standing Committee/Committees which the General Council or the Executive Board may set up for discharging any one or more of their functions."

(9) for article 10, the following article shall be substituted, namely:—

"10. General Council.— 1. The General Council shall consist of the following:—

(i) President of the Akademi;

(ii) Vice-President of the Akademi;

(iii) Financial Adviser, who is the Finance Secretary, Government of Goa;

(iv) Education Secretary, Government of Goa; (A) Director of Art and Culture

(v) Chairman, Board of Secondary and Higher Secondary Education Goa;

(vi) Vice-Chancellor of University of Goa or his nominee;

(vii) Person representing Konkani on the Executive Board of the Sahitya Akademi;

(viii) A nominee of the All India Konkani Sahitya Parishad;

(ix) Chairman/Vice-Chairman of the Kala Academy of Goa.

(x) Six persons each representing an Institution working in the field of Konkani Language, Literature or Culture and recognised by the Executive Board;

(xi) Three persons eminent in the field of Konkani Language, Literature or Culture nominated by the Government of Goa;

(xii) Five persons working in the field of Konkani Language, Literature or Culture to be elected in their individual capacity by the rest of the members of the General Council;

(xiii) A representative of the Ministry of Human Resource Development (Language Division) Government of India, New Delhi;

2. The term of the General Council shall be for three years from the date appointed for its first meeting or until new Council holds its first meeting."

(10) for article 11, the following article shall be substituted, namely:—

"11. Functions of the General Council. — Functions of the General Council shall be as under:—

i) to elect the Vice-President from amongst its members;

ii) to elect members of the Executive Board and to prescribe the rules of procedure of the Executive Board;

iii) to elect members of the Finance Committee and prescribe the rules and the procedure of the Finance Committee;

iv) to review the annual budget of the Akademi drawn up by the Executive Board and to adopt the annual report and the Executive Board and the statement of accounts presented by the Secretary;

v) to nominate Auditors;

vi) to consider programmes and specific project proposed by the Executive Board;

vii) to elect on the recommendation of the Executive Board, eminent creative writers in Konkani or scholars of outstanding merit in or about Konkani Language, Literature or Culture, as Fellows of the Akademi provided that the number of such Fellows shall at no time exceed five or such number as may be fixed by the General Council, from time to time;

viii) to do all such acts as may be necessary for the maintenance of the Akademi, including framing of its own rules, regulation, bye laws and rules of Procedure."

(11) for article 12, the following article shall be substituted, namely:—

"12. Meeting of the General Council. — The General Council shall ordinarily meet twice a year on a date to be fixed by the President or at the request of not less than two-third of the members

of the Akademi. The President or in his absence the Vice-President shall preside over the meeting of the Council."

(12) for article 14, the following article shall be substituted, namely:—

"14. Executive Board. — 1. The Executive Board shall consist of the following members:

i) President;

ii) Vice-President;

iii) Education Secretary, Government of Goa; and

iv) Six members to be elected by the General Council from among its members;

2. The Secretary of the Akademi shall be the Secretary of the Executive Board. He shall not be a member of the Executive Board.

3. The term of the Executive Board shall be coterminous with that of the General Council."

(13) for article 15, the following article shall be substituted, namely:—

"15. Functions of the Executive Board:

(a) to exercise the executive authority of the Akademi, subject to policy directives of the General Council;

(b) to supervise and control the work of the Akademi and of its office;

(c) to consider and prepare programmes of the Akademi and specific projects for the considerations of the General Council;

(d) to form its regulations, bye-laws and rules of procedure;

(e) to select organisation/Institution in the state to be recognised for the purpose of receiving financial and other assistance from the Akademi;

(f) to consider and propose to the General Council names of persons of outstanding merit to be elected as Fellows of the Akademi;

(g) to prepare the annual budget of the Akademi;

(h) to prepare the annual report and the statement of accounts of the Akademi for the consideration of the General Council;

(i) to incur expenditure on the establishment as a while, to create such posts as it may consider necessary for carrying on the work of the Akademi and to prescribe by rules, the terms and conditions of appointments and other conditions of service provided that a post, the maximum emoluments of which exceed Rs. 4000/- (Rupees four thousand only) per month, shall not be created and filled up without the prior approval of the Government."

(14) for article 16, the following article shall be substituted, namely:—

"16. Finance Committee: The President shall appoint the Finance Committee and it shall consist

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of the following:—

- i) President of the Akademi;
- ii) Financial Adviser;
- iii) One member of the General Council;
- iv) One member of the Executive Board;
- v) Secretary of the Akademi shall convene the meeting of the Finance Committee on the advice of the President but he shall not be a member of the Committee.

(15) for article 17, the following article shall be substituted, namely:—

"17. Functions of the Finance Committee: The Finance Committee shall consider the budget estimate of the Akademi, make recommendation thereon to the Executive Board and prescribe the limit for the expenditure within a financial year."

(16) for article 18, the following article shall be substituted, namely:—

"18. General:

(a) The Akademi shall draw up well in time a programme of its activities for the subsequent financial year and forward it so as to reach the Secretary to Government of Goa in charge of Education Department before 30th June along with the annual budget for approval of the Government of Goa.

(b) The Akademi shall be competent to incur expenditure on the schemes included in the budget and approved by the Government. The Secretary shall be authorised by a resolution of the Executive Board to incur expenditure, subject to the control of the Executive Board. Except to the extent provided above, the Akademi shall be guided by the normal rules of the Government in the matter of expenditure, accounting and audit.

(c) No expenditure shall be incurred by the Akademi under any circumstances which is not specifically provided for in the budget without the previous approval of the Government of Goa.

(d) Any rule made or decision taken by the General Council or by any authority of the Akademi except where the authority acts in accordance with its power and function as defined in the resolution, may be varied, amended or set aside by the General Council.

(e) Notwithstanding anything contained in the rules framed by the General Council, the account of the Akademi shall be audited by the Government Auditors applying the general principles of accounting.

(f) The General Council may, by a majority of the total membership and by a majority of not less than three fourths of the members present and voting, request the Government to amend the Constitution in such a manner as the General Council may decide.

(g) The standing Committee or Committees set up under Article 9 (d) for discharging any one or more of the functions of the Akademi shall generally consist of two or three members of the General Council, and of co-opted mem-

bers in such number as deemed necessary by the Executive Board or the General Council. The co-option shall be made taking into consideration the nature of the duties entrusted to the Committee or Committees.

(h) The account of the Akademi shall be operated jointly by the Secretary and President or in his absence by the Vice-President.

(i) All casual vacancies among the members other than Ex-Officio members of the General Council or any other body of the Akademi shall be filled up as soon as may be, by a person or body who appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the persons whose place he occupies would have been a member. Ex-Officio members shall hold office during the term of their office.

(j) No act or proceeding of the General Council or Executive Board shall be invalid by reason of only of the existence of any vacancy amongst its members or any defect in its Constitution."

(17) Articles 19, 20, 21, 22, 23 and 24 shall be omitted.

(18) for article 25, the following article shall be substituted, namely:—

"Akademi and the Government: The Akademi shall carry out such directions as may be given to it, from time to time, by the Government for carrying out the aims, objectives and activities of the Akademi in an efficient manner or for amending the constitution of the Akademi."

(19) for article 26, the following article shall be substituted, namely:—

"Power to make rules: The Akademi shall make rules to carry out the objectives of the Akademi as per provision of the Constitution of the Akademi."

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Education).

Panaji, 10th November, 1992.

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GOVERNMENT OF INDIA
MINISTRY OF AGRICULTURE
Department of Agriculture and Co-operation

Notification

1-8/92-Fert.Law

New Delhi, the 25th August, 1992

S.O. 642 (E). In pursuance of Sub-Clause (1) of clause 3 of the Fertilizer (Control) Order, 1985 and in supersession of the notification of the Government of India in the Ministry of Agriculture (Department of Agriculture & Cooperation) No. S.O.516(E), dated 14th August, 1991 (hereafter referred to as the said notification) the Central Government hereby fixes, with immediate effect, the price specified in column (2) of the Schedule annexed hereto, as the maximum price per tonne, at which fertilizer specified in the corresponding

entry in column (1) of the Schedule shall be sold in bags to tea, coffee or rubber plantation or to cultivators.

SCHEDULE

Sr. No.	Name of Fertilizers	Maximum price per tonne (net) (in Rupees)
1		2
1. Urea (46% N)	2760	
2. Anhydrous Ammonia	4420	
3. Zincated Urea	3940	
4. Calcium Ammonium Nitrate (25% N)	2000	
5. Calcium Ammonium Nitrate (26% N)	2080	
6. Ammonium Sulphate (20.60% N)	1920	
7. Ammonium Chloride (25% N)	2000	

Explanation I. The maximum price specified above shall be exclusive of the Central Sales Tax, and other local taxes wherever levied, whether at the retail sales point or at intermediate stages.

II. Where sale of any fertilizer is made in quantities not exceeding 25 kilograms at a time, the dealer may charge the following cost in addition to the proportionate price specified in the Schedule, namely:

- (a) For packing of 2 kg., Rs. 0.75 per packing;
- (b) For packing of 5 kg., Rs. 1.25 per packing;
- (c) For packing of 10 kg., Rs. 2.25 per packing; and

(d) For packing of 25 kg., Rs. 2.25 per packing:

Provided that the stocks of fertilizers (except Urea 46%N mentioned in entry No. 1 and zincated Urea mentioned in entry No. 24 of schedule to the said notification) acquired before or after the coming into force of this notification, at price not exceeding the maximum prices fixed in the schedule to the said notification by wholesale and retail dealers other than manufacturer and pool handling agents whether in the Government, private or cooperative sector (including the State Agro Industries Corporations, Apex Cooperative Marketing Federations and other Institutional agencies) shall be sold at prices not exceeding the maximum prices fixed under the said notification.

Sd/-

(SANTHA SHEELA NAIR)
JOINT SECRETARY TO THE
GOVERNMENT OF INDIA

Law (Legal and Legislative Affairs) Department

Notification

10-2-92/LA

The Dentists (Amendment) Ordinance, 1992 (No. 14 of 1992) which has been promulgated by

the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 27-8-1992, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting)

Panaji, 21st September, 1992.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 27th August, 1992/
Bhadra 5, 1914 (Saka)

The Dentists (Amendment) Ordinance, 1992

No. 14 of 1992

Promulgated by the President in the Forty-third Year of the Republic of India

An Ordinance further to amend the Dentists Act, 1948.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Dentists (Amendment) Ordinance, 1992.

(2) It shall come into force at once.

2. Insertion of new sections 10A, 10B and 10C.—After section 10 of the Dentist Act, 1948 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely:—

10A. Permission for establishment of new dental college, new courses of study, etc.

(1) Notwithstanding anything contained in this Act or any other law for the time being in force, —

(a) no person shall establish an authority or institution for a course of study or training (including a post-graduate course of study or training) which would enable a student of such course or training to qualify himself for the grant of recognised dental qualification; or

(b) no authority or institution conducting a course of study or training (including a post-graduate course of study or training) for grant of recognised dental qualification shall—

(i) open a new or higher course of study or training (including a post-graduate course of study or training) which would enable a student of such course or training to qualify himself for the award of any recognised dental qualification; or

(ii) increase its admission capacity in any course of study or training (including a post-graduate course of study or training);

except with the previous permission of the Central Government obtained in accordance with the provisions of this section.

Explanation 1. — For the purposes of this section, "person" includes any University or a trust but does not include the Central Government.

Explanation 2. — For the purposes of this section, "admission capacity", in relation to any course of study or training (including a post-graduate course of study or training) in an authority or institution granting recognised dental qualification, means the maximum number of students that may be fixed by the Council from time to time for being admitted to such course or training.

(2) (a) Every person, authority or institution granting recognised dental qualification shall, for the purpose of training permission under sub-section (1), submit to the Central Government a scheme in accordance with the provisions of clause (b) and the Central Government shall refer the said scheme to the Council for its recommendation.

(b) The scheme referred to in clause (a) shall be in such form and contain such particulars and be preferred in such manner and be accompanied with such fee as may be prescribed.

(3) On receipt of a scheme by the Council under sub-section (2), the Council may obtain such other particulars as may be considered necessary by it from the person, authority or institution concerned, granting recognised dental qualification and thereafter, it may,—

(a) if the scheme is defective and does not contain any necessary particulars, give a reasonable opportunity to the person, authority or institution concerned for making a written representation and it shall be open to such person, authority or institution to rectify the defects, if any, specified by the Council;

(b) consider the scheme, having regard to the factors referred to in sub-section (7) and submit the scheme together with its recommendations thereon to the Central Government.

(4) The Central Government may, after considering the scheme and the recommendations of the Council under sub-section (3) and after obtaining, where necessary, such other particulars as may be considered necessary by it from the person, authority or institution concerned, and having regard to the factors referred to in sub-section (7), either approve (with such conditions, if any, as it may consider necessary) or disapprove the scheme and any such approval shall be a permission under sub-section (1):

Provided that no scheme shall be disapproved by the Central Government except after giving the person, authority or institution concerned granting recognised dental qualification a reasonable opportunity of being heard:

Provided further that nothing in this sub-section shall prevent any person, authority or institution whose scheme has not been approved

to submit a fresh scheme and the provisions of this section shall apply to such scheme, as if such scheme has been submitted for the first time under sub-section (1).

(5) Where, within a period of one year from the date of submission of the scheme to the Central Government under sub-section (1), no order passed by the Central Government has been communicated to the person, authority or institution submitting the scheme, such scheme shall be deemed to have been approved by the Central Government in the form in which it had been submitted, and, accordingly, the permission of the Central Government required under sub-section (1) shall also be deemed to have been granted.

(6) In computing the time limit specified in sub-section (5), the time taken by the person, authority or institution concerned submitting the scheme in furnishing any particulars called for by the Council or by the Central Government shall be excluded.

(7) The Council while making its recommendation under clause (b) of sub-section (3) and the Central Government, while passing an order either approving or disapproving the scheme under sub-section (4), shall have due regard to the following factors, namely:—

(a) whether the proposed authority or institution for grant of recognised dental qualification or the existing authority or institution seeking to open a new or higher course of study or training, would be in a position to offer the minimum standards of dental education in conformity with the requirements referred to in section 16A and the regulations made under sub-section (1) of section 20;

(b) whether the person seeking to establish an authority or institution or the existing authority or institution seeking to open a new or higher course of study or training or to increase its admission capacity has adequate resources;

(c) whether necessary facilities in respect of staff, equipment, accommodation, training and other facilities to ensure proper functioning of the authority or institution or conducting the new course of study or training or accommodating the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme;

(d) whether adequate hospital facilities, having regard to the number of students likely to attend such authority or institution or course of study or training or as a result of the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme;

(e) whether any arrangement has been made or programme drawn to impart proper training to students likely to attend such authority or institution or course of study or training by persons having the recognised dental qualifications;

(f) the requirement of manpower in the field of practice of dentistry; and

(g) any other factors as may be prescribed.

(8) Where the Central Government passes an order either approving or disapproving a scheme under this section a copy of the order shall be communicated to the person, authority or institution concerned.

10B. Non recognition of dental qualifications in certain cases.—(1) Where any authority or institution is established for grant of recognised dental qualification except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution shall be a recognised dental qualification for the purposes of this Act.

(2) Where any authority or institution granting recognised dental qualification opens a new or higher course of study or training (including a post-graduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution on the basis of such study or training (including a post-graduate course of study or purposes of this Act.

(3) Where any authority or institution granting recognised dental qualification increases its admission capacity in any course of study or training (including a post-graduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no dental qualification granted to any student of such authority or institution on the basis of the increase in its admission capacity shall be a recognised dental qualification for the purposes of this Act.

Explanation.—For the purposes of this section, the criteria for identifying a student who has been granted a dental qualification on the basis of such increase in the admission capacity shall be such as may be prescribed.

10C. Time for seeking permission for certain existing authorities.—(1) If, after the 1st day of June, 1992 and on and before the commencement of the Dentists (Amendment) Ordinance, 1992 any person has established an authority or institution for grant of recognised dental qualification or any authority or institution granting recognised dental qualification has opened a new or higher course of study or training (including a post-graduate course of study or training) or increased its admission capacity, such person, authority or institution, as the case may be, shall seek, within a period of one year from the commencement of the Dentists (Amendment) Ordinance, 1992, the permission of the Central Government in accordance with the provisions of section 10A of the principal Act.

(2) If any person or, as the case may be, any authority or institution granting recognised dental qualification fails to seek the permission under sub-section (1) of this Ordinance, the provisions of section 10B of the principal Act shall apply, so far as may be, as if permission of the Central Government under section 10A has been refused.

3. Amendment of section 55.—In section 55 of the principal Act, in sub-section (2), after clause (f), the following clauses shall be inserted, namely:

"(fa) the form of the scheme, the particulars to be given in such scheme, the manner in which the scheme is to be preferred and the fee payable with the scheme under clause (b) of sub-section (2) of section 10A;

"(fb) the criteria for identifying a student who has been granted a medical qualification referred to in *Explanation* to sub-section (3) of section 10B."

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA.
Secy. to the Govt. of India.

Notification

10-2-92/LA

The Delhi Development (Amendment) Ordinance, 1992 (No. 16 of 1992) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 24-9-1992, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 14th October, 1992.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi the 24th September, 1992/
Asvina 2, 1914 (Saka)

The Delhi Development (Amendment) Ordinance, 1992

No. 16 of 1992

Promulgated by the President in the Forty-third
year of the Republic of India

An Ordinance further to amend the Delhi Develop-
ment Act, 1957.

Whereas Parliament is not in session and the
President is satisfied that the circumstances exist
which render it necessary for him to take immediate
action;

Now, therefore, in exercise of the powers
conferred by clause (1) of article 123 of the Constitu-
tion, the President is pleased to promulgate the
following Ordinance:—

1. Short title and commencement.—(1) This
Ordinance may be called the Delhi Development
(Amendment) Ordinance, 1992.

(2) It shall come into force at once.

2. Amendment of section 29 of Act 61 of 1957.— In section 29 of the Delhi Development Act, 1957,—

(a) in sub-section (1), for clause (b), the following clause shall be substituted; namely:—

“(b) with simple imprisonment which may extend to six months or with fine which shall not be less than fifty thousand rupees, but which may extend to an amount equivalent to the market value of the area developed, or with both in any case, other than those referred to in clause (a)”;

(b) in sub-section (2), the following proviso shall be added at the end, namely:—

“Provided that where any person uses any land or building, intended to be used for residential purposes, for commercial purposes, he shall be punishable with fine which shall not be less than fifty thousand rupees, but which may extend to an amount equivalent to the market value of the area used in such contravention, on the date of conviction, and in the case of a continuing offence, with further fine equivalent to ten per cent of such market value for every day during which such offence continues after conviction for the first commission of the offence.

Explanation:— For the purposes of this section market value of the land shall be the value of the land calculated in accordance with the commercial land rates notified by the Central Government, from time to time.”.

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.

Department of Inland Water Transport

Notification

1/629/78-IWT/Vol. III

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Ports Rules, 1983, it is hereby pre-published as required by sub-section (2) of section 6 of the Indian Ports Act, 1908 (Central Act 15 of 1908), for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of 15 days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the said draft amendment may be forwarded to the Under Secretary to the Government of Goa in the Inland Water Transport Department, Secretariat Annexe, E. D. C. House, Panaji, before the expiry of 15 days from

the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by section 6 read with section 33 of the Indian Ports Act, 1908 (Central Act 15 of 1908), the Government of Goa hereby makes the following rules so as to amend the Goa, Daman and Diu Ports Rules, 1983, namely:

1. *Short title and commencement.*— (1) These rules may be called the Goa Ports (Amendment) Rules, 1992.

(2) They shall come into force at once.

2. *Amendment of rule 2.*— In rule 2 of the Goa, Daman and Diu Ports Rules, 1983 (hereinafter called the ‘principal Rules’), (i) after clause (f), the following shall be inserted, namely:—

“(ff) “Government Riverine Land” means any land falling within or without highwater mark and, subject to any rights of private property therein, any portion of a shore or bank, within fifty yards of high water mark;”; and

(ii) for clause (i), the following shall be substituted, namely:—

“(i) “Port Authority” means the Captain of Ports, Deputy Captain of Ports, Marine Secretaries or officers of the Captain of Ports Department;”

3. *Insertion of new rule.*— After rule 54 of the principal Rules, the following rules shall be inserted, namely:—

“54.A. *Use of Government riverine land.*— (1) No Government Riverine Land shall be used for any purpose by any person without prior written permission of the Captain of Ports and without making advance payment of rental charges at the rate of Re. 1/- per sq. metre per month.

(2) Whoever uses the Government riverine land in contravention of the provision of sub-rule (1) shall be punishable with fine which may extend to Rs. 1500/- or imprisonment of one year or both.

(3) Whoever continues to use Government riverine land as aforesaid and fails to restore it to its pristine condition after receipt of a written Order to that effect from the Port Authority, shall, in addition to the fine specified in sub-rule (2), be liable to pay an amount of Rs. 150/- per day till such use is stopped and such land restored to its pristine condition.”

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (I. W. T.)
Panaji, 2nd November, 1992.